

Appendix G-D: Public Comments

Response to Comment D1-1

Comment is noted in the project record.

Response to Comment D1-2

Comment is noted in the project record.

Response to Comment D1-3

Comment is noted in the project record.

D1

Diane Simpson-Colebank

From: Littybits@aol.com
Sent: Thursday, June 26, 2003 6:33 PM
To: Diane Simpson-Colebank
Subject: area service highway in yuma

To Whom it may concern:

- D1-1 The area service highway traveling from San Luis to Interstate 8 is greatly needed to provide access to Interstate 8 without using the present route on Highway 95 which goes through several small communities.
- D1-2 This highway is crucial to the opening of the new commercial port of entry which will enable the commercial trucks to cross without competing with pedestrian and car traffic. If the present layout of the ASH is not allowed it will derail the opening of the new commercial port of entry. This would be harmful to our community both economically and environmentally.
- D1-3 We urge the Department of Transportation to approve the ASH in its current form. Much time and effort has been spent by local citizens and governmental agencies to develop the best design of the ASH for the community as a whole.

Sincerely,
Elizabeth Carpenter
715 W. 37th Street
Yuma, AZ 85365
(928) 342-1033

D2

Diane Simpson-Colebank

From: Jim Chessum [jchessum@gypa.org]
Sent: Monday, June 23, 2003 1:43 PM
To: Diane Simpson-Colebank
Subject: ASH public comments

James P. Chessum
800 E Country Club Dr #26
(928) 314-1639

- D2-1 Comments: The Area Service Highway is needed to provide a safe route of travel for commercial vehicles to travel to the Interstate 8 away from the present route on Highway 95 which goes through the downtown communities of San Luis, Gadsden, Somerton, and Yuma. Presently the San Luis Port of Entry does not have any way of handling hazardous material/waste spill containment due to the limited site available for the Port of Entry. At the present time San Luis is crossing hazardous waste and materials from Mexico which is by-passing the State of California due to their more stringent requirements. The Area Service Highway is required to be open or near open when the new Commercial Port of Entry opens. If the present ASH is not allowed it will derail the opening of the new commercial port of entry until a new connector road is designed and environmental process is completed and that could take years based on the actual time it has taken to reach the point we are now at. Commercial trucks now crossing in San Luis will continue to wait in lines or drive to Calexico which will cause the air quality of both communities to lessen as traffic increases. The communities on both sides of the border will lose quality of life as the crossing times increase due to new Federal requirements and as the population growth continues along the border. The present location of the ASH takes into consideration of the need for expanded community growth but also the need to protect the military ranges and the environmental concerns associated with the area. It does this by providing a buffer which blocks all access to the military range from the West of any tourist or off road vehicles and only allows the Military to permit any change to the design of the highway within the range area. Since this range area is considered to be of national importance for the Defense Department it is highly doubtful that they would ever approve any change to the ASH. If the ASH was not located where it is on the western edge of the range then the local politicians would over time allow expansion which would be detrimental to the military and the protection of the environmentally sensitive areas which everyone is concerned about. Keeping the present route as the preferred alternative will allow for a quicker process for the protection of the communities from any potential hazardous material/waste spills in their downtowns and increase the speed with which the commercial and noncommercial vehicles can cross at the border thus improving air quality for both sides of the border immediately upon the opening of the new commercial port of entry and the rehabilitation of the present port of entry into a pedestrian and noncommercial crossing only. If this process is delayed it will only create greater negative impacts upon our community's environmental quality of life and continue to cause greater damage to the lizard population by unenforceable entries upon the range from the West.
- D2-2
- D2-3
- D2-4

Response to Comment D2-1

Comment is noted in the project record.

Response to Comment D2-2

Comment is noted in the project record.

Response to Comment D2-3

Comment is noted in the project record.

Response to Comment D2-4

Comment is noted in the project record.

Response to Comment D3-1

Comment is noted in the project record.

Response to Comment D3-2

Comment is noted in the project record.

Response to Comment D3-3

In a December 16, 2002, memorandum from Major C. C. Hale, Deputy Director of the Joint Law Center at the Marine Corps Air Station Yuma (MCASY), to Charles R. Saltzer, MCASY Facilities Manager, Major Hale states that “development of the ASH would act as a buffer to further encroachment on the Barry M. Goldwater Range (BMGR).” Page 22 of the Draft Environmental Assessment (EA) states, “MCASY has ... stated a preference for the ASH to be located inside the BMGR so that unwanted encroachment by commercial and residential development adjacent to the roadway can be prevented.” In an e-mail (July 1, 2003) from Charles R. Saltzer to Mike Bruder, Arizona Department of Transportation (ADOT) Project Manager, Charles Saltzer acknowledges,

... [D]evelopment along the ASH from Araby Road south to the BMGR and from the BMGR west to Avenue E would more than likely occur on both sides of the ASH. This development does not encroach on aircraft operations performed within the BMGR or Marine Corps Air Station (MCAS) Yuma. MCAS does not object to development within these areas.

For the 9 miles that the Area Service Highway (ASH) would be located within the BMGR, the Marine Corps would have management responsibility. Mr. Saltzer’s e-mail communication of July 1, 2003 to Mr. Bruder continues,

Building the ASH within the BMGR would not encourage private development along the road because the property is owned by the Federal Government. This highway would be a high-speed expressway without any development or interchanges on the portion of land within the BMGR. If the alternative route, which is outside the BMGR and somewhere within the 2½ miles separating the BMGR from MCAS is used, incompatible encroachment would occur.

D3

Area Service Highway Comments
June 12, 2003

- D3-1 • I believe that you should reconsider your decisions regarding the current proposal as well as the processes by which you arrived at this proposal. I know that you have done a lot of work on your proposal for this highway and that you believe you have selected the “right” alternative. I am aware that it won’t be easy for you to reconsider your decisions because you must overcome both your own internal resistance as well as substantial angry protestations from those who are proponents of this plan.
- D3-2 • Those of us who express concern about the environmental harm of political decisions (like this one) are often perceived in Arizona as being “anti-progress.” That is not true. We do want decisions to fully consider the long-term well being of all of us in the environment—military as well as private, community as well as personal, agricultural as well as native species, human as well as flat-tailed horned lizards.
- D3-3 • Short-term views can make decisions look good. Years ago I’m sure that highway planners in both East and West Maricopa County thought they could come close to the local military bases; they probably even got base agreement to construction. The decisions looked good at one time. One base was closed years ago and the other is now threatened. Politicians, business people, and individuals are wondering just how they could have better protected Luke Air Force Base.
- D3-4 • I care about our own bases and the Goldwater Range because they are important to our community’s integrity and also because our military bases throughout the US have become havens for rare and endangered species which are threatened elsewhere. I am grateful for this unplanned service role which our military has taken on.
- D3-5 • The ASH is a project which would have significant effects on the environment. It is a big project. The currently-proposed approaches to mitigation are unproven. We already have traffic corridors through the south Yuma County area—corridors which could be improved without the repercussions of the proposed route. Improvement of these corridors would also contribute to the well-being of our citizens. Living along Highway 95 myself, I well-know how inadequate the limited approaches to highway improvement have been. Along the route where use is greatest, we need a safe, limited access highway. And in their current fiscal condition, neither the federal nor the state governments need to be considering upgrading and constructing two or three highways when the needs can be served by upgrading one.
- D3-6 • I ask the Arizona Department of Transportation, the Yuma Metropolitan Planning Organization, and the Federal Highway Administration to thoughtfully consider the comments from those who disagree with this highway siting, to re-visit the decision, and to complete a full environmental impact statement. Involve citizens and organizations with disparate views and let’s see if we can come up with a decision which is better for all of us.

Thank you.

Patricia Kenyon, 8528 S Shannon Way, Yuma, AZ 85365-9509
928.726.1347
pkenyon@digitaldune.net

Response to Comment D3-3 (continued)

The alternative would also encourage development under the only remaining overflight pattern for MCAS. Presently the Joint Land Use Plan provides protection to MCAS from incompatible development within this area. If the ASH is built through this area instead of on the BMGR, then pressure ... to build adjacent to the route would occur. MCAS is not the controlling authority for this land; however, MCAS is the controlling authority for land within the BMGR. If encroachment happens in this alternate route area, it would negatively impact on the mission of MCAS.

According to representatives from MCASY there would be less cumulative development and resultant encroachment by locating the ASH within the BMGR than by locating it on an alignment near—but outside—the BMGR. The relevant military inputs reflected in this conclusion about potential encroachment by development have been part of the planning process for the ASH from its earliest conceptions.

The Yuma Metropolitan Planning Organization/ADOT are required by the Metropolitan Planning Regulations to consult and concur with other agencies on issues relating to major metropolitan investments (23 CFR § 450.138[a]). The Draft EA (pp. 6, 8) recounts the active participation and support of the military in the planning for this project. A Major Investment Study (MIS) has been conducted for the project. The public and affected agencies, including MCASY, have supported the proposed project through the public meetings that have been held for the MIS and during the last decade in association with the ASH planning. MCASY and the U.S. Navy are cooperating agencies as part of the National Environmental Policy Act (NEPA) process for this project.

Regarding federal government purchases of private property in the Luke Air Force Base situation, Mr. Saltzer commented further in his July 1, 2003, memorandum,

The money used at Luke Air Force Base ... is to buy private property within the noise zones so that incompatible residential development would not occur. Because the ASH would be located on the BMGR, the Government does not

Response to Comment D3-3 (continued)

need to purchase land to prevent encroachment because there is no encroachment.

Response to Comment D3-4

NEPA and related supporting regulations require that an environmental impact statement (EIS) be prepared and approved when a proposed Federal action (e.g., the authorization for the use of Federal-aid Highway Program funds to construct a highway improvement) would cause *significant* impacts.

The completed studies, evaluations, and public outreach conducted by ADOT have not identified impacts resulting from the proposed improvements that are clearly *significant*. While there are virtually no improvements without some adverse effects, the efforts ADOT has undertaken to identify possible adverse effects have afforded substantial public input and involvement, considered a reasonable range of alternatives, evaluated the impacts in terms of context and intensity, and provided reasonable plans to mitigate and minimize any adverse impacts. At this time, the Federal Highway Administration (FHWA) does not believe there is a legitimate basis for requesting ADOT to prepare an EIS.

Response to Comment D3-5

ADOT and FHWA rely on the U.S. Fish and Wildlife Service, Arizona Game and Fish Department and Flat-tailed Horned Lizard (FTHL) Interagency Coordinating Committee to provide input into the development of FTHL mitigation measures that are based on the best available scientific data. ADOT and FHWA have worked closely with the signatories of the FTHL Conservation Agreement to develop a mitigation approach that is consistent with the *FTHL Rangewide Management Strategy, 2003 Revision*, and that would provide the most effective protection to local FTHL populations. It is understood by all parties that there is incomplete information on certain aspects of FTHL ecology and conservation needs. FTHL mitigation for the ASH includes a suite of actions and monitoring of their effectiveness. The mitigation actions include FTHL barrier fencing, fencing of right-of-ways and portions of the Yuma Desert Management Area to

Response to Comment D3-5 (continued)

preclude vehicle access off of designated roads and trails, biological monitors during construction, and compensation of lost habitat. For a complete discussion, see Section IV. K. Threatened, Endangered, and Sensitive Species of the Final EA.

Response to Comment D3-6

The Final EA includes additional information regarding the corridor selection process, as well as the alternatives considered. Refer to the Final EA, II. Alternatives Considered, for further discussion on alternatives.

Response to Comment D3-7

Refer to the response to comment D3-4. Public involvement has been an important part of the planning process for this project. From the MIS to the EA, public input has been a crucial element of the process. Refer to the Final EA, V. A. Public Involvement, for a discussion on the public involvement process that has occurred as a part of this project.

D4

Diane Simpson-Colebank

From: jeanette michel [sefdua@digitaldune.net]
Sent: Wednesday, June 25, 2003 1:55 PM
To: Diane Simpson-Colebank
Subject: <no subject>

Somerton, Arizona
June 25, 2003

Dear Dianne,

It was good to talk with you at the Yuma meeting about the Yuma Area Service Highway. And I appreciate receiving a copy of the Draft Environmental Assessment. I have been studying it, and have driven over the area, at least as much as I could, three times and am ready to submit my comments.

D4-1 I find that there really is no need for the Service Highway and the new Port of Entry projects at present and there may never be a need. According to the recent articles on NAFTA in the Arizona Republic, NAFTA has fallen short of its anticipated success. And this is certainly true in the San Luis, Sonora area. There are fewer maquiladoras in this area than there were three years ago. The number in other areas is also declining as decline in the US economy has led to more plant shutdown. And if more maquiladoras are to be built, Texas is a more natural corridor area than Arizona is. Both the Laredo and the El Paso area are better situated for highway connections with the border crossings. And in Arizona the Nogales area offers more potential for further expansion than the San Luis area does. All of these mentioned areas already have border crossing-freeway connections.

D4-2 After the meeting I took the time to drive this route as far as I could on existing roads. My trips were on a Monday, a Wednesday, and a Sunday. The routes I took were 23rd to Avenue B and Avenue B to 19th, then over 19th to Avenue 3E. Once I took 19th directly into Gadsden instead of 23rd into San Luis. On the two weekdays I observed five trucks one day and six on the other. On Sunday there were only two local agricultural trucks. On the weekdays there were few passenger cars. But on Sunday there were lots of cars as this is a popular shopping day for those living in San Luis area. But the traffic was not excessive. And I anticipate that it would not be more in the winter months as this is not a popular winter visitor route. So it appears that the current route for trucks from the San Luis maquiladoras, over 23rd, up Avenue B to 19th, and over 19th to 3E is sufficient for the existing maquiladoras. Three East already is a freeway exit-entrance so there is no need for the trucks to use Business Interstate Eight east of Yuma which also connects with the freeway.

D4-3 The opinion of our legislators seems to be that these two projects will "play a major role in the economic development and growth of Yuma County" but I question this fact. It seems that these two projects will more benefit the people of Sonora in the San Luis area than it will benefit us. We already have a serious pollution problem in the Somerton area due to the existing maquiladoras. When this highway was first proposed, we in Somerton were told that the existence of this highway would mean that no trucks would come through our town. But the fact is, without the new highway no trucks come through our town at present as they are all on the 23rd to 3E route.

D4-4 It seems shortsighted to spend vast amounts of money on this new highway project at this time when, after 9/11, we have less border traffic. And as Mexico has competition from China and other Asiatic countries for our

Response to Comment D4-1

Refer to the Final Environmental Assessment (EA), I. Project Purpose and Need, for a discussion of the identified purpose and need for the proposed Area Service Highway (ASH). The relative economic health of the maquiladora industry at any point in time is not directly relevant to the decision to build the ASH because support for these functions is not among the objectives for building the highway. Objectives for the proposed ASH include removing commercial traffic and hazardous cargo from populated and congested areas, and relieving existing and future congestion on US 95 through the city of Yuma.

An environmental analysis was completed in September 2000 for the new commercial Port of Entry. This report, *San Luis, Arizona Commercial Port of Entry Project*, consists of a separate analysis documenting a distinct purpose and need for the new commercial Port of Entry at that location. That project is independent in inception and assessment from the proposed ASH.

Response to Comment D4-2

Refer to the Final EA, I. Project Purpose and Need, for a discussion of the identified purpose and need for the proposed ASH. Traffic data used for the environmental document were provided from the Yuma Metropolitan Planning Organization (YMPO). The relative economic health of the maquiladora industry at any point in time is not directly relevant to the decision to build the ASH because support for these functions is not among the objectives for building the highway.

Response to Comment D4-3

Comment is noted in the project record.

Response to Comment D4-4

Refer to the response to comment D4-2.

Response to Comment D4-5

The flat-tailed horned lizard (FTHL) is managed under an interagency conservation agreement and the *Rangewide Management Strategy, 2003 Revision*. The FTHL mitigation measures for the ASH are consistent with this agreement and strategy, and include all appropriate measures as determined by the involved parties. See Section IV. K. Threatened, Endangered, and Sensitive Species of the Final EA for a complete discussion of these measures.

Response to Comment D4-6

The closest known sightings of Sonoran pronghorn are approximately 25 miles east of the project area. In addition, because the project area is bordered by human habitation, a Marine rifle range, other daily military activities associated with Marine Corps Air Station Yuma (MCASY), agricultural fields, paved and unpaved roads, and the city of Yuma, the value of habitat within the project area has been degraded such that Sonoran pronghorn population expansion into the project area is highly unlikely.

Response to Comment D4-7

Sandfood is known to occur in the project area. The discussion in the Final EA has been expanded (see Section IV. K. Threatened, Endangered, and Sensitive Species).

Response to Comment D4-8

The entire project limits, including portions of the proposed project on military lands, has been surveyed for cultural resources. The identified cultural resources were evaluated for their National Register of Historic Places (NRHP)-eligibility. The Arizona Department of Transportation and Federal Highway Administration have consulted with the State Historic Preservation Office, the Arizona State Land Department, the Marine Corps, the Bureau of Reclamation, the Bureau of Land Management, and the U.S. Army

D4

D4-4
(Cont'd)

business the number of maquiladoras is declining. So where will all this heavy truck traffic necessitating a four lane highway come from? In spite of the fact that this area does not need a new Port of Entry (and Nogales does) that project will already go through as "funds have been approved" due to the efforts of a congressman who doesn't even live in the area. So why not wait and see how much traffic will increase on the 23rd -19th-3E route with a new port of entry and hold off building the new highway? What we have is suitable and sufficient.

D4-5

Two other points concerning the environmental assessment come to mind. I am amused at the concern for the horned lizard and plans to mitigate for its "danger". As we environmentalists use anything possible to halt projects or to force the creation an environmental impact statement, lizards, spotted owls, vetches etc. are useful tools. However it does seem that providing lizard crossing guards will provide several jobs for unskilled labor. I am more concerned about the Sonoran Pronghorn Antelope as the herds are decreasing in size. I have been observing them since the seventies and each time I see a herd, it is smaller. These animals are hard to mitigate for as they are not always where they are expected, and it is possible that it would be a long time if ever that they would be near the proposed highway.

D4-6

But as access to this proposed highway will be limited, high fences should be erected on the south side. Also a mention was made of the plant known as Sandfood and the statement was made that it is not known if it is found in this area. It is. I have seen it several times east of Avenue B and in an area not usually travelled by anything but a high clearance vehicle. However this plant is invisible most of the time and when it is visible is hard to spot. One usually finds it by luck rather than by searching for it.

D4-7

D4-8

I also have a concern for the archaeological artifacts which are probably currently on military land. I would hope that if the project goes through, before actual work is done, a local archaeologist probably from BLM and local archaeological workers for BLM have an opportunity to photograph the lithics and pottery shards that were found, and search the area for other artifacts. Patayan archaeology survey work is not typical of that done in other areas. Then if they are to be collected, the items should be offered to one of the two Indian nations as both have museums.

Thank you for giving me an opportunity to comment on this assessment. I have lived near the border since 1968 and have a great love for our area.

Sincerely,

Kathryn A. Michel

Response to Comment D4-8 (continued)

Corps of Engineers regarding cultural resources located within the project area. As a result of the cultural resource investigations, and with concurrence from the consulted parties, it was determined that one NRHP-eligible site would be adversely impacted.

A Memorandum of Agreement (MOA) among the consulting parties was executed in 2002. The MOA is drafted to ensure that a data recovery plan be prepared to treat this site; the plan would be developed in consultation with the signatories of the MOA. The data recovery plan would be consistent with the Secretary of the Interior's *Standards and Guidelines for Archaeological Documentation* and would take into account the Advisory Council on Historic Preservation publication *Treatment of Archaeological Properties*. The data recovery plan would include methods for evaluating and treating newly discovered cultural resources (if other artifacts are identified) and document the disposition and curation of collected materials and records.

Response to Comment D5-1

Refer to the Final Environmental Assessment (EA), I. Project Purpose and Need, for a discussion of the identified purpose and need for the proposed Area Service Highway (ASH). Traffic data used for the environmental document were provided from the Yuma Metropolitan Planning Organization (YMPO).

Refer to the Final EA, II. Alternatives Considered for a discussion on the main reasons for selecting the Preferred Alternative: This alternative would provide a new route for auto and commercial traffic, offer the greatest opportunity for reducing potential delays on US 95, add roadway capacity within Yuma County for automobile and truck traffic, reduce conflicts with in-transit farm equipment, and remove commercial traffic from the urban areas of the cities of Yuma, San Luis, Somerton, and Gadsden. These are all benefits to County residents, visitors, and through traffic.

The relative economic health of the maquiladora industry at any point in time is not directly relevant to the decision to build the ASH because support for these functions is not among the objectives for building the highway.

Response to Comment D5-2

Comment is noted in the project record.

Response to Comment D5-3

Refer to the Final EA, II. Alternative Considered, for a discussion detailing how current planned improvements to existing transportation facilities (including the expansion of US 95) would not meet the purpose and need of the project.

Response to Comment D5-4

In a December 16, 2002, memorandum from Major C. C. Hale, Deputy Director of the Joint Law Center at Marine Corps Air Station Yuma (MCASY), to Charles R. Saltzer, MCASY Facilities Manager, and Major Hale states "development of the ASH would act as a buffer to further encroachment on the Barry M. Goldwater Range (BMGR)." Page 22 of the Draft EA states, "MCASY has ... stated a

D5

FROM: HABIB RATHLE, MD
317 SOUTH 22nd AV
YUMA AZ 85364
TO: DIANE SIMPSON - COLEBANK
RE: AGAINST THE I-8 EXTENSION FROM THE BORDER TO THE HIGHWAY

6-8-03

2003 Habib Rathle
317 S 22nd Ave
Yuma, AZ 85364

Dear Diane,

I am opposed to the road linking the border near San Luis, Arizona, to Interstate 8 east of Yuma, for the following reasons:

- D5-1 1- The maquiladoras south of the border are closing, because the plants are being moved to China or elsewhere, where labor is even cheaper than in Mexico.
- D5-2 2- The road will not benefit the people of Yuma County, but distant corporate CEOs and their stockholders. If a road is needed, the one from San Luis to Yuma can be widened.
- D5-3 3- The road will encroach on a military range. The city of Glendale is buying land around the local Air Force base, while we're encroaching on training areas here...
- D5-4 4- Desert species, from lizards to rams, will lose their habitat, when existing roads can be widened if necessary.
- D5-5 5- If an air cargo terminal were to be built in Yuma, it's shorter to take the 32nd Street extension to the highway.
- D6-6 Sincerely, H. Rathle, MD, pediatrician.

Response to Comment D5-4 (continued)

preference for the ASH to be located inside the BMGR so that unwanted encroachment by commercial and residential development adjacent to the roadway can be prevented.” In an e-mail (July 1, 2003) from Charles R. Saltzer to Mike Bruder, Arizona Department of Transportation (ADOT) Project Manager, Charles Saltzer acknowledges,

... [D]evelopment along the ASH from Araby Road south to the BMGR and from the BMGR west to Avenue E would more than likely occur on both sides of the ASH. This development does not encroach on aircraft operations performed within the BMGR or Marine Corps Air Station (MCAS) Yuma. MCAS does not object to development within these areas.

For the 9 miles that the ASH would be located within the BMGR, the Marine Corps would have management responsibility. Mr. Saltzer's e-mail communication of July 1, 2003, to Mr. Bruder continues,

Building the ASH within the BMGR would not encourage private development along the road because the property is owned by the Federal Government. This highway would be a high-speed expressway without any development or interchanges on the portion of land within the BMGR. If the alternative route which is outside the BMGR and somewhere within the 2½ miles separating the BMGR from MCAS is used, incompatible encroachment would occur. The alternative would also encourage development under the only remaining overflight pattern for MCAS. Presently the Joint Land Use Plan provides protection to MCAS from incompatible development within this area. If the ASH is built through this area instead of on the BMGR, then pressure ... to build adjacent to the route would occur. MCAS is not the controlling authority for this land; however, MCAS is the controlling authority for land within the BMGR. If encroachment happens in this alternate route area, it would negatively impact on the mission of MCAS.

Response to Comment D5-4 (continued)

According to representatives from MCASY there would be less cumulative development and resultant encroachment by locating the ASH within the BMGR than by locating it on an alignment near—but outside—the BMGR. The relevant military inputs reflected in this conclusion about potential encroachment by development have been part of the planning process for the ASH from its earliest conceptions. YMPO/ADOT are required by the Metropolitan Planning Regulations to consult and concur with other agencies on issues relating to major metropolitan investments (23 CFR § 450.138[a]). The Draft EA (pp. 6, 8) recounts the active participation and support of the military in the planning for this project. A Major Investment Study (MIS) has been conducted for the project. The public and affected agencies, including MCASY, have supported the proposed project through public meetings that have been held for the MIS and during the last decade in association with the ASH planning. MCASY and the U.S. Navy are cooperating agencies as part of the National Environmental Policy Act process for this project.

Regarding federal government purchases of private property in Luke Air Force Base situation, Mr. Saltzer commented further in his July 1, 2003, memorandum,

The money used at Luke Air Force Base ... is to buy private property within the noise zones so that incompatible residential development would not occur. Because the ASH would be located on the BMGR, the Government does not need to purchase land to prevent encroachment because there is no encroachment.

Response to Comment D5-5

Refer to the Final EA, IV. J. Vegetation and Wildlife and IV. K. Threatened, Endangered, and Sensitive Species, for a discussion of the biological resource impacts of the proposed project. Additionally, refer to the Final EA, II. Alternative Considered, for a discussion detailing how current planned improvements to existing transportation facilities (including the expansion of US 95) would not meet the purpose and need of the project.

Response to Comment D5-6

Selection of a corridor or an alignment for the ASH was not predicated on the existence or economic health of an air cargo terminal.

D-6



YUMA AREA SERVICE HIGHWAY
PUBLIC HEARING



COMMENT SHEET

Thursday, June 12, 2003
Yuma Civic and Convention Center
Yuma, Arizona

You may submit your comments here tonight or send them by June 27, 2003, to Diane Simpson-Colebank, Logan Simpson Design Inc., 51 West Third Street, Suite 450, Tempe, Arizona 85281, fax: 480-966-9232, email: dsimpson@lsdaz.com.

Name: DIRK FRAUENFELDER
Address: 12164 E DEL NORTE YUMA AZ 85367
Phone: 928-305-9013 Email: _____

Comments:

D6-1

The connection with Hwy 95
should be by going (continuing)
North on Araby Rd.

D6-2

The current proposal to have the
trucks get on I-8 + go to
Fortuna then cross over the Fortuna
overpass & go through that extremely
congested area to get to Hwy 95
is a bad choice.

D6-3

The Fortuna route would not only
necessitate the several traffic lights
going over the overpass, but the
rail road crossing just south of 95
and that is used by freight trains about
every hour.

6-13-03

Response to Comment D6-1

Traffic bound for US 95 would be directed to use westbound Interstate 8 from Araby Road.

Response to Comment D6-2

Comment is noted in the project record.

Response to Comment D6-3

Comment is noted in the project record.

Response to Comment D6-4

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Building the ASH within the BMGR would not encourage private development along the road because the property is owned by the Federal Government. This highway would be a high-speed expressway without any development or interchanges on the portion of land within the BMGR. If the alternative route which is outside the BMGR and somewhere within the 2½ miles separating the BMGR from MCAS is used, incompatible encroachment would occur. The alternative would also encourage development under the only remaining overflight pattern for MCAS. Presently the Joint Land Use Plan provides protection to MCAS from incompatible development within this area, If the ASH is built through this area instead of on the BMGR, then pressure ... to

D6

YUMA AREA SERVICE HIGHWAY
PUBLIC HEARING

PRINT CLEARLY

NAME: DIRK FRAUENFELDER

ADDRESS: 12164 DEL NORTE
YUMA

QUESTION (ONE QUESTION PER CARD): It was said that the marines were in favor of the preferred alignment because it would be a win-win deal for them. Please explain how the marines would benefit.

06-12-03

D6-4

Response to Comment D6-4 (continued)

build adjacent to the route would occur. MCAS is not the controlling authority for this land; however, MCAS is the controlling authority for land within the BMGR. If encroachment happens in this alternate route area, it would negatively impact on the mission of MCAS.

According to representatives from MCASY there would be *less* cumulative development and resultant encroachment by locating the ASH *within* the BMGR than by locating it on an alignment near—but *outside*—the BMGR. The relevant military inputs reflected in this conclusion about potential encroachment by development have been part of the planning process for the ASH from its earliest conceptions.

The Yuma Metropolitan Planning Organization (YMPO)/ADOT are required by the Metropolitan Planning Regulations to consult and concur with other agencies on issues relating to major metropolitan investments (23 CFR § 450.138[a]). The Draft EA (pp. 6, 8) recounts the active participation and support of the military in the planning for this project. A Major Investment Study (MIS) has been conducted for the project. The public and affected agencies, including MCASY, have supported the proposed project through the public meetings that have been held for the MIS and during the last decade in association with the ASH planning. MCASY and the U.S. Navy are cooperating agencies as part of the National Environmental Policy Act (NEPA) process for this project.

Response to Comment D7-1

Comment is outside the scope of this project/investigation.

D-7



**YUMA AREA SERVICE HIGHWAY
PUBLIC HEARING**



COMMENT SHEET

Thursday, June 12, 2003
Yuma Civic and Convention Center
Yuma, Arizona

You may submit your comments here tonight or send them by June 27, 2003, to Diane Simpson-Colebank, Logan Simpson Design Inc., 51 West Third Street, Suite 450, Tempe, Arizona 85281, fax: 480-966-9232, email: dsimpson@lsdaz.com.

Name: Douglas Holbert
Address: 2828 West Cindy Lou Lane, Yuma, Arizona 85365
Phone: 928-244-4862 Email: holbert9@Localnet.com

Comments: Thank you for being so honest and straight forward -
Why can't AWC be given a grant to study and be assigned a way to
increase the population of the species in question. Or one of the high schools
that has a biology department.

D7-1

Response to Comment D8-1

ADOT and FHWA rely on the U.S. Fish and Wildlife Service, Arizona Game and Fish Department and Flat-tailed Horned Lizard (FTHL) Interagency Coordinating Committee to provide input into the development of FTHL mitigation measures that are based on the best available scientific data. ADOT and FHWA have worked closely with the signatories of the FTHL Conservation Agreement to develop a mitigation approach that is consistent with the *FTHL Rangewide Management Strategy, 2003 Revision*, and that would provide the most effective protection to local FTHL populations. It is understood by all parties that there is incomplete information on certain aspects of FTHL ecology and conservation needs. FTHL mitigation for the ASH includes a suite of actions and monitoring of their effectiveness. The mitigation actions include FTHL barrier fencing, fencing of right-of-ways and portions of the Yuma Desert Management Area to preclude vehicle access off of designated roads and trails, biological monitors during construction, and compensation of lost habitat. For a complete discussion, see Section IV. K. Threatened, Endangered, and Sensitive Species of the Final EA.

Response to Comment D8-2

Information regarding farmland in and adjacent to the project area was updated in 2003 (refer to the Final Environmental Assessment [EA], Section F. Prime/Unique Farmland).

D-8

D8-1

**YUMA AREA SERVICE HIGHWAY
PUBLIC HEARING**

PRINT CLEARLY

NAME: Patricia Tenpax

ADDRESS: Yuma City

QUESTION (ONE QUESTION PER CARD):

What is the research evidence which supports your belief that desert-dwelling lizards will prefer to travel through long underground tunnels?

06-12-03

D8-2

**YUMA AREA SERVICE HIGHWAY
PUBLIC HEARING**

PRINT CLEARLY

NAME: Pat Tenpax

ADDRESS: Yuma City

QUESTION (ONE QUESTION PER CARD):

The priorities for Yuma Valley are changing since 1980. Have you updated your input about protecting "that farmland"?

06-12-03

Response to Comment D9-1

Refer to the Final Environmental Assessment Section II. Alternative Considered, for a discussion detailing how current planned improvements to existing transportation facilities (including the expansion of US 95) would not meet the purpose and need of the project.

Response to Comment D9-2

The US Fish and Wildlife Service (FWS) considered the ASH in its decision not to list the flat-tailed horned lizard (FTHL) as threatened under the Endangered Species Act, stating that the impact of the ASH "does not constitute a significant threat to the species or its habitat such that the species warrants listing under the Act." Should the FTHL become listed under ESA before the project is completed, the Federal Highway Administration (FHWA) would reinstate Section 7 consultation with FWS.

ADOT and FHWA rely on the U.S. Fish and Wildlife Service, Arizona Game and Fish Department and Flat-tailed Horned Lizard (FTHL) Interagency Coordinating Committee to provide input into the development of FTHL mitigation measures that are based on the best available scientific data. ADOT and FHWA have worked closely with the signatories of the FTHL Conservation Agreement to develop a mitigation approach that is consistent with the *FTHL Rangewide Management Strategy, 2003 Revision*, and that would provide the most effective protection to local FTHL populations. It is understood by all parties that there is incomplete information on certain aspects of FTHL ecology and conservation needs. FTHL mitigation for the ASH includes a suite of actions and monitoring of their effectiveness. The mitigation actions include FTHL barrier fencing, fencing of right-of-ways and portions of the Yuma Desert Management Area to preclude vehicle access off of designated roads and trails, biological monitors during construction, and compensation of lost habitat. For a complete discussion, see Section IV. K. Threatened, Endangered, and Sensitive Species of the Final EA.

Response to Comment D9-3

Transporters of hazardous substances must comply with all applicable international, federal, state, and local regulations.

D-9

D9-1

YUMA AREA SERVICE HIGHWAY
PUBLIC HEARING

PRINT CLEARLY

NAME: Bonnie Kochis 726-2158

ADDRESS: 3837 Chaparral Way

QUESTION (ONE QUESTION PER CARD):

Why not use Ave 3E
that connects to I8 + goes
South to Co. 23. This is
already a Rt 180

06-12-03

D9-2

YUMA AREA SERVICE HIGHWAY
PUBLIC HEARING

PRINT CLEARLY

NAME: Bonnie Kochis

ADDRESS: 3837 Chaparral Way

QUESTION (ONE QUESTION PER CARD):

endangering habitat
for Flat tailed Horned Lizard
environmental impact study?

06-12-03

D9-3

Hazardous cargo - homes on 4E
Co. 17-18 1/2
access for Co. 19 for Marine
Rifle Range?

06-12-03

Response to Comment D9-3 (continued)

Federal hazardous materials transportation law (49 USC § 5101 et seq., [formerly the Hazardous Materials Transportation Act]) is the basic statute regulating hazardous materials transportation in the U.S. The purpose of this law is to provide adequate protection against risks to life and property inherent in transporting hazardous materials in commerce. Hazardous materials regulations (49 CFR Parts 171–180) apply to interstate, intrastate, and foreign commerce.

Additionally, the Resource Conservation and Recovery Act (RCRA) (42 USC 6901 et seq.), which is managed by agreement with the Environmental Protection Agency (EPA) in Arizona by the Arizona Department of Environmental Quality, regulates numerous aspects of the lifecycle of hazardous waste. Arizona has adopted most of the federal regulation in the Arizona Administrative Code Chapter 8, Article 2, Hazardous Waste. RCRA provides for a system to identify and track hazardous waste from generator, to transporter, to treatment and storage/disposal, and requires transporters to notify EPA of hazardous waste activity.

Response to Comment D10-1

Hazardous materials and waste are transported along almost all highways. There are segments of the Arizona State Highway System that do not allow the presence of trucks transporting "hazardous" cargo, identified when the design of the highway is such that special conditions exist which would exacerbate the repercussions of an accident. The design of the Area Service Highway (ASH) would not create a situation warranting the exclusion of hazardous materials.

Hazardous materials spills/concerns on the ASH would be treated the same as any hazardous materials incidents on the state roadway system. Spills/issues would be contained within the Arizona Department of Transportation (ADOT) right-of-way if possible, and appropriately treated/remediated. The ADOT Motor Vehicle Division has a system in place to respond to all accidents and spills involving hazardous cargo/waste along the State Highway System to ensure that remediation, where applicable, follows state and federal guidelines.

The 1998 *State of Arizona Emergency Response and Recovery Plan* identifies the Department of Public Safety and ADOT as the primary agencies for addressing highway incidents with associated hazardous materials concerns. The Plan was created to meet the state's hazardous materials emergency planning mandate (as well as those of the Environmental Protection Agency and the Federal Emergency Management Agency), and to protect life and property from risks associates with the discharge, release, or misuse of hazardous materials. Hazardous materials incidents within the ASH corridor would be addressed according to the Plan, and other applicable local, state, federal, and international laws, regulations, and guidelines.

Response to Comment D10-2

ADOT has previously completed a centerline survey, but did not stake each individual property. Right-of-way surveying would likely be done closer to construction. Contact ADOT's Right of Way Group for more information.

D-10

D10-1

**YUMA AREA SERVICE HIGHWAY
PUBLIC HEARING**

PRINT CLEARLY
NAME: JAMES McCASH
ADDRESS: 6523 E. COUNTY 13 1/2

QUESTION (ONE QUESTION PER CARD): I would like to ask about the "hazardous waste" on this road, we have "horses + animals, how is this going to effect the property, our family and our living? We are very close to this road.

06-12-03

D10-2

**YUMA AREA SERVICE HIGHWAY
PUBLIC HEARING**

PRINT CLEARLY
NAME: JAMES McCASH
ADDRESS: 6523 E. COUNTY 13 1/2

QUESTION (ONE QUESTION PER CARD): I would like to know if someone would let me know exactly where the easement on our property is, & if it will effect the size of our property.

06-12-03

Response to Comment D11-1

According to the March 2001 Environmental Assessment (EA) for the San Luis Commercial Port of Entry (pp. 3-35): "Hazardous waste generated in San Luis Rio Colorado that is shipped into the United States is comprised of ignitable waste, leas, methyl ethyl ketone, non-halogenated spent solvents, electroplating wastewater treatment sludge, or a combination of above wastes."

To identify hazardous materials concerns within the Area Service Highway alignment, a Preliminary Initial Site Assessment was completed. Refer to the Final EA, IV. P. Hazardous Materials, for details on the identified issues within the project area. Data for locations outside the project area are unavailable without further specification of geographic boundaries. For more information on hazardous materials concerns throughout Yuma County, please refer to information available from the Environmental Protection Agency and Arizona Department of Environmental Quality.

Response to Comment D11-2

The Final Environmental Assessment (EA) has included additional discussion on the corridor selection process, as well as the alternatives considered. Refer to the Final EA, II. Alternatives Considered, for additional discussion.

D-11

D11-1

YUMA AREA SERVICE HIGHWAY
PUBLIC HEARING

PRINT CLEARLY

NAME: Nancy L. Meister

ADDRESS: 840 W. 19th Place

QUESTION (ONE QUESTION PER CARD):

What hazardous material is crossing the border + how many problems have been encountered in the last 20 years - since this was first noted in 1980s as a problem

06-12-03

D11-2

YUMA AREA SERVICE HIGHWAY
PUBLIC HEARING

PRINT CLEARLY

NAME: Nancy L. Meister

ADDRESS: _____

QUESTION (ONE QUESTION PER CARD):

This project has been so long in the works that the avoiding of the Yuma valley seems irrelevant - the "valuable farm land" is being sold off for housing so why not look at the Yuma Valley as a route

06-12-03

Response to Comment D11-3

Page 51 of the Draft Environmental Assessment (EA) addressed this development issue. In a December 16, 2002, memorandum from Major C. C. Hale, Deputy Director of the Joint Law Center at Marine Corps Air Station Yuma (MCASY), to Charles R. Saltzer, MCASY Facilities Manager, Major Hale states that "development of the ASH would act as a buffer to further encroachment on the Barry M. Goldwater Range (BMGR)." Page 22 of the Draft EA states, "MCASY has ... stated a preference for the ASH to be located inside the BMGR so that unwanted encroachment by commercial and residential development adjacent to the roadway can be prevented."

In an e-mail (July 1, 2003) from Charles R. Saltzer to Mike Bruder, Arizona Department of Transportation (ADOT) Project Manager, Charles Saltzer acknowledges,

... [D]evelopment along the ASH from Araby Road south to the BMGR and from the BMGR west to Avenue E would more than likely occur on both sides of the ASH. This development does not encroach on aircraft operations performed within the BMGR or Marine Corps Air Station (MCAS) Yuma. MCAS does not object to development within these areas.

According to representatives from MCASY there would be *less* cumulative development and resultant encroachment by locating the ASH *within* the BMGR than by locating it on an alignment near—but *outside*—the BMGR. The relevant military inputs reflected in this conclusion about potential encroachment by development have been part of the planning process for the ASH from its earliest conceptions.

The Yuma Metropolitan Planning Organization (YMPO)/ADOT are required by the Metropolitan Planning Regulations to consult and concur with other agencies on issues relating to major metropolitan investments (23 CFR § 450.138[a]). The Draft EA (pp. 6, 8) recounts the active participation and support of the military in the planning for this project. A Major Investment Study (MIS) has been conducted for the project. The public and affected agencies, including MCASY

D-11

D11-3

YUMA AREA SERVICE HIGHWAY
PUBLIC HEARING

PRINT CLEARLY

NAME: Nancy L. Meister

ADDRESS: _____

QUESTION (ONE QUESTION PER CARD):

with an interchange at Co. 19 won't
there be lots of development + pressure
on the range?

06-12-03

D12-1

YUMA AREA SERVICE HIGHWAY
PUBLIC HEARING

PRINT CLEARLY

NAME: LARRY NELSON (Mayor City of Yuma)

ADDRESS: 4404 W CHAZZO LN
YUMA AZ 85305

QUESTION (ONE QUESTION PER CARD):

I WANT TO MAKE A
STATEMENT THAT WAS MADE BY
BOTH THE CENTER FOR BIOLOGICAL DIVERSITY
& THE SIERRA CLUB AT A PUBLIC MEETING
IN GLUCENTRO AT A MEETING HELD BY
US FISH & WILDLIFE

06-12-03

Response to Comment D11-3 (continued)

have supported the proposed project through the public meetings that have been held for the MIS and during the last decade in association with the ASH planning. MCASY and the U.S. Navy are cooperating agencies as part of the National Environmental Policy Act (NEPA) process for this project.

Response to Comment D12-1

Comment is noted in the project record.

D-13

YUMA AREA SERVICE HIGHWAY
PUBLIC HEARING

PRINT CLEARLY

NAME: M. E. "Betty" Oppenheimer

ADDRESS: 3836 E. CHAPARRAL WAY

QUESTION (ONE QUESTION PER CARD): NOISE + TRAFFIC
plus ILLEGAL ALIENS.

WE DON'T NEED THE ASH

Put IT 500 yds. EAST of THE dunes 18+42
AND you wouldn't need to BUILD
Noise Reduction WALLS

How close TO SAN Luis High School? 06-12-03

D13-1

D13-2

Response to Comment D13-1

Comment is noted in the project record.

Response to Comment D13-2

The preferred alternative for the ASH is located over 4 miles from the San Luis High School.

Response to Comment D14-1

Refer to the Final Environmental Assessment (EA) IV. H. Noise Quality, for a discussion of the potential impacts to noise quality that may occur as a result of the proposed alternative, as well as the recommended mitigation. The final locations, lengths, and heights of noise abatement measures would be determined during final design.

Response to Comment D14-2

The Final EA has included additional discussion on the corridor selection process, as well as the alternatives considered. Refer to the Final EA, II. Alternatives Considered, for additional discussion.

D-14

D14-1

YUMA AREA SERVICE HIGHWAY
PUBLIC HEARING

PRINT CLEARLY
NAME: Mike Payne
ADDRESS: _____

QUESTION (ONE QUESTION PER CARD): Could you please tell me if I am in the noise corridor area. Specifically county 14th & 6 1/2 E

06-12-03

D14-2

YUMA AREA SERVICE HIGHWAY
PUBLIC HEARING

PRINT CLEARLY
NAME: Mike Payne
ADDRESS: _____

QUESTION (ONE QUESTION PER CARD): Why can't the highway go thru the desert area outside of the residential area which is East of Araby Road.

06-12-03

Response to Comment D14-3

Refer to Section IV. H. Noise Quality for a discussion of the potential impacts to noise quality that may occur as a result of the proposed alternative, as well as the recommended mitigation.

The final noise analysis would be completed during final design following 23 CFR § 772, U.S. Department of Transportation, Federal Highway Administration Procedures for Abatement of Highway Traffic Noise and Construction Noise, and the *Arizona Department of Transportation Noise Abatement Policy* (NAP) (March 2000). The contractor would be required to meet the noise abatement requirements of Section 104.08 of the *Arizona Department of Transportation Standard Specifications for Road and Bridge Construction* (2000 Edition) during roadway construction.

In summary, the proposed highway improvements would increase noise levels for sensitive noise category land uses (residences, hotels, and churches) above the Arizona Department of Transportation's NAP within the project area, based on the preliminary noise analysis. The final locations, lengths, and heights of noise abatement measures—if any are needed—would be determined in final design.

Response to Comment D14-4

YMPO has been facilitating public participation in the ASH planning process from the project beginning. Additionally, the YMPO has conducted several public meeting to receive public input into the planning of the ASH. Through monthly meetings the YMPO Executive Board and the Technical Advisory Committee (TAC) have provided timely status reports on the ASH's progress in an open forum to the public. Meeting Minute's excerpts relevant to the ASH, received from the YMPO Executive Board and the TAC, have been compiled and formatted into Appendix E. The purpose for this documentation is to show the planning processes and public involvement with regard to the YMPO.

D14 (cont'd)

D14-3

YUMA AREA SERVICE HIGHWAY
PUBLIC HEARING

PRINT CLEARLY
NAME: Mike Payne
ADDRESS: _____

QUESTION (ONE QUESTION PER CARD): What is your plan to facilitate noise reduction barriers along the highway in the residential areas?

06-12-03

D14-4

YUMA AREA SERVICE HIGHWAY
PUBLIC HEARING

PRINT CLEARLY
NAME: Mike Payne
ADDRESS: 60 14th St

QUESTION (ONE QUESTION PER CARD): If this is a project that has been on the books since 1980 why wasn't it made known to the public so that people who wanted to live in the county AWAY from traffic wouldn't have bought there.

06-12-03

Response to Comment D15-1

Comments are included in the Final Environmental Assessment.

D-15

Lucy Shipp
Yuma County Board of
Supervisors
198 S. Main Street
Yuma, AZ 95364

Would appreciate a
copy of the comments
made at the PH on 6-11-03

Thank you

928-329-2104

lucyship@adl.com

D15-1

Response to Comment D16-1

The current traffic operations predicted for County 14th Street as an at grade intersection (current design) indicate a Level of Service (LOS) B in the design year. The Arizona Department of Transportation (ADOT) strives to keep facilities operating at LOS C or better, so at such time in the future that traffic operations degrade below LOS C, ADOT would need to begin the project development process for an improvement project. There would not be a threshold volume associated with this decision, however the traffic volumes do influence the LOS calculations as described in the Highway Capacity Manual.

D-16	
D16-1	<p>What would be the threshold (from the traffic count) that would result in a grade separation at the intersection of County 14th Street and the ASH? Who determines this? Who determined if an overpass should be built?</p>

Response to Comment D17-1

Signs identifying the FTHL Yuma Desert Management Area have been included in the ASH mitigation measures to be installed by ADOT in cooperation with the land management agencies. In addition, the issue of future sign maintenance has also been addressed. See Section IV. K. Threatened, Endangered, and Sensitive Species of the Final EA for a complete discussion.

Response to Comment D17-2

Refer to the Final Environmental Assessment, II. Alternative Considered, for a discussion detailing how current planned improvements to existing transportation facilities (including the expansion of US 95) would not meet the purpose and need of the project.

Response to Comment D17-3

The National Environmental Policy Act (NEPA) and related supporting regulations require that an environmental impact statement (EIS) be prepared and approved when a proposed Federal action (e.g., the authorization for the use of Federal-aid Highway Program funds to construct a highway improvement) would cause *significant* impacts. The completed studies, evaluations, and public outreach conducted by the Arizona Department of Transportation (ADOT) have not identified impacts resulting from the proposed improvements that are clearly *significant*. While there are virtually no improvements without some adverse effects, the efforts ADOT has undertaken to identify possible adverse effects have afforded substantial public input and involvement, considered a reasonable range of alternatives, evaluated the impacts in terms of context and intensity, and provided reasonable plans to mitigate and minimize any adverse impacts. At this time, the Federal Highway Administration (FHWA) does not believe there is a legitimate basis for requesting ADOT to prepare an EIS.

D-17

YUMA AREA SERVICE HIGHWAY PUBLIC HEARING	
<small>PRINT CLEARLY</small> NAME: <u>P.Q. Public</u> Address: <u>Yuma, AZ</u>	
D17-1	<small>QUESTION (ONE QUESTION PER CARD):</small> <u>E-6; DID YOU ASK BOR or MCAS4</u> <u>To maintain & replace FTHL signs?</u> <u>I think not.</u>
D17-2	<u>Pg 10: Since this DRAFT EA was</u> <u>written expansion to HWY 95 to</u> <u>4 to 6 lanes in part is an alt. to</u> <u>consider now land is offered for I-8</u> <u>access for free.</u>
D17-3	<u>Why was an EA written other</u> <u>than a complete EIS?</u>
D17-4	<u>Considering over 100 ACRES</u> <u>FRAGMENTED HL habitat</u> <u>What mitigation is offered for</u> <u>loss?</u>
D17-5	<u>DRAFT EA NEEDS WORK, CO 9</u> <u>proposed change?</u>

Response to Comment D17-4

The U.S. Fish and Wildlife Service (FWS) considered the ASH in its decision not to list the flat-tailed horned lizard (FTHL) as threatened under the Endangered Species Act, stating that the impact of the ASH “does not constitute a significant threat to the species or its habitat such that the species warrants listing under the Act.” Should the FTHL become listed under ESA before the project is completed, the Federal Highway Administration (FHWA) would reinstate Section 7 consultation with FWS.

ADOT and FHWA rely on the U.S. Fish and Wildlife Service, Arizona Game and Fish Department and Flat-tailed Horned Lizard (FTHL) Interagency Coordinating Committee to provide input into the development of FTHL mitigation measures that are based on the best available scientific data. ADOT and FHWA have worked closely with the signatories of the FTHL Conservation Agreement to develop a mitigation approach that is consistent with the *FTHL Rangewide Management Strategy, 2003 Revision*, and that would provide the most effective protection to local FTHL populations. It is understood by all parties that there is incomplete information on certain aspects of FTHL ecology and conservation needs. FTHL mitigation for the ASH includes a suite of actions and monitoring of their effectiveness. The mitigation actions include FTHL barrier fencing, fencing of right-of-ways and portions of the Yuma Desert Management Area to preclude vehicle access off of designated roads and trails, biological monitors during construction, and compensation of lost habitat. For a complete discussion, see Section IV. K. Threatened, Endangered, and Sensitive Species of the Final EA

Response to Comment D17-5

Intent of original comment is not clear; therefore comment has not been addressed.

Response to Comment D18-1

The text in the handout was in error. Because the project would result in disturbance to habitat that was likely historically occupied by Sonoran pronghorn and, although extremely unlikely, pronghorn located further east could move into the area, the Federal Highway Administration (FHWA) determined that the project "may affect, but is not likely to adversely affect" the Sonoran pronghorn. The US Fish and Wildlife Service (FWS), in a Biological Opinion dated July 24, 2003, concurred with the "may affect, not likely to adversely affect" determination for the Sonoran pronghorn. The flat-tailed horned lizard barrier fencing along the ASH right-of-way would deter Sonoran pronghorn for entering the roadway and prevent mortality, if indeed one may move into the area. However, no specific mitigation for the Sonoran pronghorn was included in the FWS's Biological Opinion.

D-18



**YUMA AREA SERVICE HIGHWAY
PUBLIC HEARING**



COMMENT SHEET

Thursday, June 12, 2003
Yuma Civic and Convention Center
Yuma, Arizona

You may submit your comments here tonight or send them by June 27, 2003, to Diane Simpson-Colebank, Logan Simpson Design Inc., 51 West Third Street, Suite 450, Tempe, Arizona 85281, fax: 480-966-9232, email: dsimpson@lsdz.com.

Name: _____
Address: _____
Phone: _____ Email: _____
Comments: _____

HAND OUT PG 6
"the proposed project would
likely affect the Sonoran
Pronghorn ... "
You said so what mitigation
is being offered.?

TRACS No. 195 YU 0 H5774 0111

D18-1

Response to Comment D19-1

The Draft EA (pp. 6, 8) recounts the active participation of a variety of agencies in the planning for the ASH: "The Metropolitan Planning Regulations (23 CFR § 450.318) require YMPO [Yuma Metropolitan Planning Organization]/ADOT to consult and concur with other agencies on issues relating to major metropolitan investments. A Major Investment Study (MIS) has been conducted for the project. The MIS process included the documentation of YMPO's prior planning efforts, a cost effectiveness analysis, the evaluation of alternatives, the preparation of the MIS, and a public meeting. Based on the results of the MIS, the cost effectiveness of the project has been demonstrated. Additionally, the public and affected agencies such as BLM [Bureau of Land Management], BOR [Bureau of Reclamation], and MCASY [Marine Corps Air Station Yuma] have supported the proposed project through the public meetings that have been held for the MIS and during the last decade in association with the ASH planning. These three agencies and the U.S. Navy are cooperating agencies as part of the National Environmental Policy Act (NEPA) process for this project."

Reclamation has not identified any issues in conflict with the agency's management plan.

Response to Comment D19-2

Access to US 95 in addition to numerous corridors and alignments have been considered. The Final EA has included additional discussion on the corridor selection process, as well as the alternatives considered. Refer to the Final EA, II. Alternatives Considered, for additional discussion.

D-19

YUMA AREA SERVICE HIGHWAY
PUBLIC HEARING

PRINT CLEARLY
NAME: TIM DONAHUE
ADDRESS: 2755 S. Mesa Ave
Yuma, AZ 85364
QUESTION (ONE QUESTION PER CARD):
How does this project fit in with the BOR
Syn Mgt Study & plan

06-12-03

D19-1

YUMA AREA SERVICE HIGHWAY
PUBLIC HEARING

PRINT CLEARLY
NAME: TIM DONAHUE
ADDRESS: 2755 S. Mesa Ave.
Yuma 85364
QUESTION (ONE QUESTION PER CARD):
Has any study been done ^{as is now contemplated} to take ASA
Traffic directly to Hwy 95?

06-12-03

D19-2

Response to Comment D20-1

The Area Service Highway is being planned as an access controlled facility; the Arizona Department of Transportation (ADOT) is trying to limit the amount of access along the corridor. ADOT is currently moving away from the construction and use of frontage roads, because their implementation disrupts traffic operations.

Response to Comment D20-2

Comment noted in the project record.

D20

**YUMA AREA SERVICE HIGHWAY
PUBLIC HEARING**

PRINT CLEARLY

NAME: CADES

ADDRESS: _____

QUESTION (ONE QUESTION PER CARD): _____

WHY CAN'T WE GET
A FRONTAGE ROAD ON
THE WEST SIDE OF 6 1/2 E

00-12-03

D20-1

D20-2

As John Gross stated in his presentation the goal of the ASH is to be access controlled + limit growth in certain areas. To meet these goals no frontage were recommended in the proposed alternative.

D-21

YUMA AREA SERVICE HIGHWAY
PUBLIC HEARING

PRINT CLEARLY
NAME: ROBERT C. FILBEY
ADDRESS: 6579 MISSION ST. YUMA 85365

QUESTION (ONE QUESTION PER CARD): THE NORTH END OF THE ASH AT
ARABY ROAD MUST BE ADDRESSSED, HOW WILL THE ASH
CONNECT TO HWY 95? WHAT ABOUT THE 'A' CANAL
OPTION THAT CROSSES THE RAIL ROAD BETWEEN
9E AND 10E?

06-12-03

D21-1

D21-2

YUMA AREA SERVICE HIGHWAY
PUBLIC HEARING

PRINT CLEARLY
NAME: Jose L Galvan
ADDRESS: 13722 Hilltop RD

QUESTION (ONE QUESTION PER CARD): Right Price for the Land

06-12-03

D22-1

Response to Comment D21-1

The Final EA has included additional discussion on the corridor selection process, as well as the alternatives considered. Refer to the Final EA, Section II. Alternatives Considered, for additional discussion.

Response to Comment D21-2

Intent of original comment is not clear; therefore comment has not been addressed.

Response to Comment D22-1

No land would be purchased from federal agencies to construct the Area Service Highway; all project features located on a federal property would be granted an appropriate permanent real estate instrument. Private property owners would be compensated at market value for property that is acquired for project right-of-way in accordance with the Uniform Relocation Assistance Act, as amended in 1987. Replacement housing would meet the requirements of 49 Code of Federal Regulations § 24 and the Arizona Revised Statutes 28-7091, as contained in the 1995-1996 edition of the *Arizona Criminal And Traffic Law Manual*.

Response to Comment D23-1

Refer to Section IV. H. Noise Quality for a discussion of the potential impacts to noise quality that may occur as a result of the proposed alternative, as well as the recommended mitigation.

The final noise analysis would be completed during final design following 23 CFR § 772, U.S. Department of Transportation, Federal Highway Administration Procedures for Abatement of Highway Traffic Noise and Construction Noise, and the Arizona Department of Transportation Noise Abatement Policy (NAP) (March 2000). The contractor would be required to meet the noise abatement requirements of Section 104.08 of the Arizona Department of Transportation Standard Specifications for Road and Bridge Construction (2000 Edition) during roadway construction.

In summary, the proposed highway improvements would increase noise levels for sensitive noise category land uses (residences, hotels, and churches) above the Arizona Department of Transportation's NAP within the project area, based on the preliminary noise analysis. The final locations, lengths, and heights of noise abatement measures—if any are needed— would be determined in final design.

Response to Comment D24-1

The ASH was included in the conforming 2001–2005 Transportation Improvement Plan (TIP) and 2000–2023 Countywide Transportation Plan (CTP) and is also included in the 2001–2003 State Transportation Improvement Program (STIP). The proposed ASH is a conforming project, signifying that it does not contribute to any new PM₁₀ violations, increase the frequency or severity of PM₁₀ violations, and would not delay attainment of the PM₁₀ standard.

D23

D23-1

YUMA AREA SERVICE HIGHWAY
PUBLIC HEARING

PRINT CLEARLY

NAME: JOHN L. HERRER

ADDRESS: 2070 COUNTY RD 101A AZ 85365

QUESTION (ONE QUESTION PER CARD): What about undeveloped land that is zoned for residential dev that will be impacted by noise when developed

06-12-03

YUMA AREA SERVICE HIGHWAY
PUBLIC HEARING

D24-1

PRINT CLEARLY

NAME: Jeannette Michel

ADDRESS: Sanersten

QUESTION (ONE QUESTION PER CARD): What measures will be taken to force Mexican trucks to conform to pollution standards? I deem that they currently can be as smoky as they want.

06-12-03

Response to Comment D25-1

The National Environmental Policy Act (NEPA) and related supporting regulations require that an environmental impact statement (EIS) be prepared and approved when a proposed Federal action (e.g., the authorization for the use of Federal-aid Highway Program funds to construct a highway improvement) would cause *significant* impacts. The completed studies, evaluations, and public outreach conducted by the Arizona Department of Transportation (ADOT) have not identified impacts resulting from the proposed improvements that are clearly *significant*. While there are virtually no improvements without some adverse effects, the efforts ADOT has undertaken to identify possible adverse effects have afforded substantial public input and involvement, considered a reasonable range of alternatives, evaluated the impacts in terms of context and intensity, and provided reasonable plans to mitigate and minimize any adverse impacts. At this time, the Federal Highway Administration (FHWA) does not believe there is a legitimate basis for requesting ADOT to prepare an EIS.

Response to Comment D25-2

There remain many questions regarding the potential effectiveness of culverts for allowing passage of FTHL across (under) the ASH. As a result, no culverts would be used on the ASH for FTHL specifically for FTHL crossings. Other mitigation actions which have a greater probability of success have been included in the mitigation plan. In addition, ADOT would compensate for FTHL habitat lost to and fragmented by the ASH. For a complete discussion, see Section IV. K. Threatened, Endangered, and Sensitive Species of the Final EA.

D25

D25-1

**YUMA AREA SERVICE HIGHWAY
PUBLIC HEARING**

PRINT CLEARLY

NAME: Cam Meister Yuma Audubon Society

ADDRESS: PO Box 6395 Yuma, AZ 85366-6395

QUESTION (ONE QUESTION PER CARD): Why did you do an environmental assessment instead of an environmental impact statement when the Federal Highway Administration regulations in Title 23 Part 771 of the Code of Federal Regulations say that an environmental impact statement is needed for "A new controlled access freeway (23 CFR 771.115(a)(1) OR "A highway project of four or more lanes on a new location." 23 CFR 771.115(b)(1)

06-12-03

D25-2

**YUMA AREA SERVICE HIGHWAY
PUBLIC HEARING**

PRINT CLEARLY

NAME: Cam Meister Yuma Audubon Society

ADDRESS: PO Box 6395 Yuma, AZ 85366-6395

QUESTION (ONE QUESTION PER CARD): Is there any proof that the Flat-tailed Horned Lizards will use the corrugated metal pipes under the highway?

06-12-03

Response to Comment D25-3

There is no private or Arizona State Trust Land within the boundaries of the Barry M. Goldwater Range. The Final EA has been revised to correct this statement.

Response to Comment D25-4

All adverse effects to the FTHL from the ASH are being mitigated. ADOT would provide monetary compensation for FTHL habitat lost to and fragmented by the ASH that would be used to purchase other habitat within the range of the FTHL. See Section IV. K. Threatened, Endangered, and Sensitive Species of the Final EA for a complete discussion.

D25

D25-3

YUMA AREA SERVICE HIGHWAY
PUBLIC HEARING

PRINT CLEARLY

NAME: Cary Meister Yuma Audubon Society
ADDRESS: PO Box 6395 Yuma, AZ 85366-6395

QUESTION (ONE QUESTION PER CARD): Are there state-administered lands and private lands within the Gold-Water Range? Where are they? How close are they to the proposed Area Service Highway route and why aren't they shown on a map in the environmental assessment?

06-12-03

D25-4

YUMA AREA SERVICE HIGHWAY
PUBLIC HEARING

PRINT CLEARLY

NAME: Cary Meister Yuma Audubon Society
ADDRESS: PO Box 6395 Yuma, AZ 85364

QUESTION (ONE QUESTION PER CARD): What effects of this project cannot be mitigated? Why? ~~What about the 73 acres of FTHL-habitat? Horned Lizard habitat that won't be replaced~~

06-12-03

Response to Comment D25-5

Hazardous materials and waste are transported along almost all state highways. There are segments of the Arizona State Highway System that do not allow the presence of trucks transporting "hazardous" cargo. These sections are identified when the design of the highway is such that special conditions exist which would exacerbate the repercussions of an accident. The design of the ASH would not create a situation warranting the exclusion of hazardous materials.

Hazardous materials spills/concerns on the ASH would be treated the same as any hazardous materials incidents on the state roadway system. Spills/issues would be contained within the ADOT right-of-way if possible, and appropriately treated/remediated. The ADOT Motor Vehicle Division has a system in place to respond to all accidents and spills involving hazardous cargo/waste along the State Highway System to ensure that remediation, where applicable, follows state and federal guidelines.

Response to Comment D26-1

No land would be purchased from federal agencies to construct the Area Service Highway; all project features located on a federal property would be granted an appropriate permanent real estate instrument. Private property owners would be compensated at market value for property that is acquired for project right-of-way in accordance with the Uniform Relocation Assistance Act, as amended in 1987. Replacement housing would meet the requirements of 49 Code of Federal Regulations § 24 and the Arizona Revised Statutes 28-7091, as contained in the 1995-1996 edition of the Arizona Criminal And Traffic Law Manual.

D25

D25-5

YUMA AREA SERVICE HIGHWAY
PUBLIC HEARING

PRINT CLEARLY

NAME: Cary Meister Yuma Audubon Society
ADDRESS: PO Box 6395 Yuma, AZ 85366-6395

QUESTION (ONE QUESTION PER CARD): Why wasn't an analysis done in the EA of hazardous materials carried during operation of the road, likelihood of spills, response capability to spills?

06-12-03

D26-1

YUMA AREA SERVICE HIGHWAY
PUBLIC HEARING

PRINT CLEARLY

NAME: JACK WINEBARGER
ADDRESS: 2000 850 SAVE A STE 2 85364 FOR PRICES

QUESTION (ONE QUESTION PER CARD): I CANNOT BUY LAND BASED SOLELY ON CURRENT USAGE WITH NO REGARD TO POTENTIAL VALUE. WHY CAN THE STATE?

06-12-03

Response to Comment D27-1

See Section IV. K. Threatened, Endangered, and Sensitive Species of the Final EA for a complete discussion of FTHL mitigation actions.

Response to Comment D28-1

In a December 16, 2002, memorandum from Major C. C. Hale, Deputy Director of the Joint Law Center at the Marine Corps Air Station Yuma (MCASY), to Charles R. Saltzer, MCASY Facilities Manager, Major Hale states that "development of the ASH would act as a buffer to further encroachment on the Barry M. Goldwater Range (BMGR)." Page 22 of the Draft EA states, "MCASY has ... stated a preference for the ASH to be located inside the BMGR so that unwanted encroachment by commercial and residential development adjacent to the roadway can be prevented." In an e-mail (July 1, 2003) from Charles R. Saltzer to Mike Bruder, Arizona Department of Transportation (ADOT) Project Manager, Charles Saltzer acknowledges,

... [D]evelopment along the ASH from Araby Road south to the BMGR and from the BMGR west to Avenue E would more than likely occur on both sides of the ASH. This development does not encroach on aircraft operations performed within the BMGR or Marine Corps Air Station (MCAS) Yuma. MCAS does not object to development within these areas.

D27

YUMA AREA SERVICE HIGHWAY
PUBLIC HEARING

PRINT CLEARLY

NAME: JAMES ROBERTS

ADDRESS: 148 NORTH COUNTY 13TH ST.

QUESTION (ONE QUESTION PER CARD): WILL THERE BE FULL TIME CROSSING GUARDS TO ASSIST THE FLAT TAILED LIZARDS TO CROSS THE ROAD AT THE DESIGNATED CROSSING AREAS? IF SO, WILL IT BE A FEDERAL OR STATE GOVERNMENT JOB WITH BENEFITS? WHAT IS THE PAY STRUCTURE?

06-12-03

D27-1

YUMA AREA SERVICE HIGHWAY
PUBLIC HEARING

PRINT CLEARLY

NAME: _____

ADDRESS: _____

QUESTION (ONE QUESTION PER CARD): How can MCAS be agreeable to a major intersection at Co 14th which is off military land and uncontrollable. Also explain how traffic would be handled there

06-12-03

D28-1

Response to Comment D29-1

Numerous corridors and alignments have been considered. The Final EA has included additional discussion on the corridor selection process, as well as the alternatives considered. Refer to the Final EA, Section II. Alternatives Considered, for additional discussion.

Response to Comment D30-1

No land would be purchased from federal agencies to construct the Area Service Highway; all project features located on a federal property would be granted an appropriate permanent real estate instrument. Private property owners would be compensated at market value for property that is acquired for project right-of-way in accordance with the Uniform Relocation Assistance Act, as amended in 1987. Replacement housing would meet the requirements of 49 Code of Federal Regulations § 24 and the Arizona Revised Statutes 28-7091, as contained in the 1995-1996 edition of the *Arizona Criminal And Traffic Law Manual*.

D29

YUMA AREA SERVICE HIGHWAY
PUBLIC HEARING

PRINT CLEARLY
NAME: _____
ADDRESS: _____

QUESTION (ONE QUESTION PER CARD): *if noise has been identified as an issue in numerous areas why not have it go through the fields to the west of Yuma where the vegetables do care how loud it gets and there is less homes.*

06-12-03

D29-1

YUMA AREA SERVICE HIGHWAY
PUBLIC HEARING

PRINT CLEARLY
NAME: _____
ADDRESS: _____

QUESTION (ONE QUESTION PER CARD): *How can you land lock people with a clear conscience then take their land at a cheap price.*

06-12-03

D30-1